

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TECH AND GOODS, INC.,

Plaintiff/Counter-Defendant,

v.

30 WATT HOLDINGS, LLC,

Defendant/Counter-Plaintiff.

Case No. 2:18-cv-13516

Honorable Stephen J. Murphy, III

Honorable R. Steven Whalen

**EX PARTE REQUEST UNDER L.R. 7.1(d)(3)(A) TO INCREASE
PAGE LIMIT FOR SUMMARY JUDGMENT BRIEF**

Defendant/Counter-Plaintiff 30 Watt Holdings, LLC (“30 Watt”) respectfully requests that the Court grant it an enlargement of the 25-page limit for briefs under L.R. 7.1(d)(3)(A) and allow it to file a brief of no more than 31 pages in support of the motion for summary judgment it intends to file on or before October 14, 2020. In support of this *ex parte* request, 30 Watt states the following:

1. This is an action in which 30 Watt is alleged to have infringed two trademarks.
2. 30 Watt intends to file a motion for summary judgment on or before October 14, 2020, seeking dismissal of all claims contained in the complaint as to both of the trademarks at issue.

3. 30 Watt intends to raise a number of grounds for summary judgment relating to, among other things, trademark usage, protectability, fair use, and no likelihood of confusion.

4. Considering the number of issues involved, the number of factors involved in the likelihood of confusion analysis under Sixth Circuit law – namely, the eight “*Frisch*” factors – and the fact that there are two marks at issue, 30 Watt cannot adequately brief all relevant matter within the 25-page limit of L.R. 7.1(d)(3)(A).

5. L.R. 7.1(d)(3)(A) states that “[t]he text of a brief supporting a motion or response, including footnotes and signatures, may not exceed 25 pages. A person seeking to file a longer brief may apply *ex parte* in writing setting forth the reasons.”

6. For the reasons stated above, 30 Watt respectfully submits that a page limit increase of up to six (6) pages is warranted under L.R. 7.1(d)(3)(A), such that 30 Watt would be permitted to file a brief in support of its summary judgment motion of up to 31 pages.

7. Undersigned counsel emailed opposing counsel on October 9, 2020 to advise that 30 Watt would be submitting this *ex parte* request.

WHEREFORE, 30 Watt respectfully requests that the Court grant this *ex parte* request and allow it to file a brief in support of its summary judgment motion of up to 31 pages.

Respectfully submitted,

JAFFE, RAITT, HEUER & WEISS, P.C.

Dated: October 9, 2020

/s/ David S. McDaniel

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CERTIFICATE OF SERVICE

I CERTIFY that on October 9, 2020, I filed a copy of the foregoing document with the Clerk of the Court via the ECF system, which will provide electronic notice of the filing to all attorneys of record in this case.

Date: October 9, 2020

/s/ Sheila Bryant

Sheila Bryant
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